

EXHIBIT I



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

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201 Varick Street, Rm. 1130
New York NY 10014

Name: SOROKIN, ANNA

A [REDACTED]

Date of this Notice: 6/17/2022

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:

Grant, Edward R.
Mann, Ana
Mullane, Hugh G.

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Anna SOROKIN, A [REDACTED]

Applicant

FILED

Jun 17, 2022

ON BEHALF OF APPLICANT: Emily A. Lund, Esquire

ON BEHALF OF DHS: Anne Gannon, Senior Attorney

IN ASYLUM ONLY PROCEEDINGS

On Motion from a Decision of the Board of Immigration Appeals

Before: Grant, Appellate Immigration Judge; Mann, Appellate Immigration Judge; Mullane,
Appellate Immigration Judge

Opinion by Appellate Immigration Judge Mann

MANN, Appellate Immigration Judge

The applicant filed a motion asking the Board to reconsider our decision of February 17, 2022, in which we denied her motion to reissue the Board's order of October 21, 2021, in this case. The Department of Homeland Security ("DHS") filed a response in opposition to the applicant's motion. The applicant has subsequently filed a motion to reopen and remand proceedings based on ineffective assistance of counsel. DHS has filed a response in opposition to this motion as well.

The applicant avers that she was prejudiced by the alleged ineffective assistance of former counsel, who represented her at the hearing and on appeal. She has complied with the procedural requirements set forth in *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988). The applicant also submits evidence that the Immigration Judge filed a complaint against former counsel with the Disciplinary Counsel for the Executive Office for Immigration Review, alleging misconduct on counsel's part with regard to the respondent's case.

Given the particular circumstances presented in this matter, we conclude that the applicant has established exceptional circumstances that warrant the exercise of our discretionary sua sponte authority to grant the motion to reopen and remand the record to the Immigration Judge. 8 C.F.R. § 1003.2(a); *Matter of J-J*, 21 I&N Dec. 976, 984 (BIA 1997). The applicant should be provided with a new merits hearing regarding her applications for relief from removal. We express no opinion as to the outcome of these remanded proceedings, other than to note that the burden of establishing eligibility for relief remains with the applicant. Section 240(c)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(4)(A).

A [REDACTED]

Accordingly, the following orders will be entered.¹

ORDER: The motion to reopen and remand is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with the foregoing opinion and the entry of a new decision.

¹ In light of our disposition of this matter, we need not address the applicant's motion to reconsider our October 21, 2021, decision.